

Only James Earl Ray Knows If Conspiracy Existed to Murder King

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Washington — Most of the theories of a conspiracy surrounding the assassination of Martin Luther King Jr. on April 4, 1968, are bound by a common thread — the view that unnamed “interests,” Southern, reactionary and white, had used in King’s increasingly militant civil rights activities a new economic and political threat that precipitated his murder at their hands.

A second common thread has been the scepticism of many over the intervening seven years that James Earl Ray, a full-time holdup man with a reputation for bumbling bad luck and a long string of jail sentences, could by himself have

planned and carried out both the crime and an escape that stretched over four countries and two months before he was finally captured in London.

Charges that Ray had not acted alone began to mount almost from the moment that King died in the emergency room where he was taken from the Lorraine Motel, in downtown Memphis, after a hollow-nosed bullet severed his spinal cord.

According to officials and former officials of the Justice Department and the Federal Bureau of Investigation, the bureau has checked out various assertions of such a conspiracy and has found virtually all to be without substance.

A team of several New York Times reporters spent six weeks investigating the case, also without being able to establish any firm evidence of a conspiracy. But even without access to government files, which remain largely closed, or to Ray, who refused to be interviewed, the Times found puzzling gaps and inconsistencies in the evidence so far made public by the FBI, the Justice Department and other agencies.

Even some Justice Department lawyers have been so concerned that someone possibly involved in the assassination may have gone unpunished that they have twice tried to induce the convicted killer, Ray, to tell a federal grand jury what he knows. On both occasions, first in 1971 and again last year, Ray, who has privately maintained that he was but an unwitting part of a larger plot against King’s life, sent word to the Justice Department through his lawyers that he would not testify.

Ray’s lawyers concede their client may have “some knowledge” concerning the involvement of others in the shooting. But they say his refusal to talk stems from his fear of reprisals from coconspirators. Such reprisals, they add, could easily be carried out inside the walls of the Tennessee State Penitentiary in Nashville, where the 47-year-old Ray is serving a 99-year sentence.

Although Ray pleaded guilty in a 2½-hour pro forma proceeding on March 10, 1969, he attempted to retract that plea within a few days, saying it had been made under undue pressure from his lawyer, Percy Foreman of Houston, who denies the accusation. Ray now has a motion for a new trial before the U.S. Court of Appeals for the Sixth Circuit.

Bernard M. Fensterwald Jr., a Washington lawyer and founder of the Committee to Investigate Assassinations, who is now Ray’s chief counsel, claims that if a new trial were granted he could

(See COMMON, Page 14)

Common Thread Connects Most Theories of King's Assassination

FROM PAGE 1

present a case that Ray was nowhere near the Memphis motel at the time of the assassination.

Ray previously had told his lawyers that he had been outside a rooming house adjacent to the motel when King was killed, although he had not known of the murder at the time.

The Tennessee prosecutors produced a witness, Charles Q. Stevens, who placed Ray inside the house at the time the shot struck King, a shot he said he had heard, but had not seen fired from the boarding house bathroom.

Stevens later asked for, but did not receive, the \$100,000 reward offered for information leading to the conviction of King's murderer. The reward has never been paid to anyone.

Fensterwald said his efforts to gain an acquittal for Ray probably would not produce the names of any coconspirators. His client, Fensterwald said, "has no interest in solving the crime."

Several officials and former officials of the Justice Department's Civil Rights Division, which was given the responsibility for investigating the murder almost from the moment it occurred, have become increasingly convinced over the last seven years that Ray, despite his protests, was King's assassin. And even those officials who doubt Ray's sole responsibility attributed their beliefs to "hunches" and "gut feelings," not to hard evidence.

In 1971 and in 1974, partly because of their own doubts and partly in response to the unofficial appeals by Fensterwald, Civil Rights Division officials sifted and resisted the mass of evidence, enough to fill 13 packing crates, gathered by the FBI during its intensive 1968 hunt for King's killer.

But after these investigations turned up nothing substantially new, and in light of Ray's persistent refusal to talk about possible coconspirators, a number of Justice Department lawyers felt more convinced than before that he had acted alone.

Last summer, for example, the Rev. Dr. Ralph David Abernathy, King's successor as head of the Southern Christian Leadership Conference, and Dick Gregory, the comedian, who has become interested in assassination conspiracies, asked Stanley Pottinger, head of the Civil Rights Division, to re-examine the two most persistent conspiracy reports.

But the Justice Department is re-evaluating several aspects of the case that



MARTIN LUTHER KING JR.



JAMES EARL RAY

have aroused the most interest and concern, including claims by two individuals that they had been part of or knew about plots to kill King.

The first was the assertion of Robert Byron Watson, a former employee of an Atlanta art gallery, that he had overheard his employers plotting to kill King a few days before the assassination.

The second was the assertions of a convicted confidence man, Clifford H. Andrews, that he had been part of a conspiracy to kill King, for which he had been promised, but had never received, \$200,000. Because he was double-crossed, Andrews was reported to have said he was willing to name the other conspirators in return for various considerations, including immunity from prosecution and an undescribed sum of money.

The Civil Rights Division concluded in a memorandum sent recently to Atty. Gen. Edward H. Levi that neither the Watson nor Andrews report warranted a reopening of the King investigation, and Fensterwald, Ray's lawyer, agreed that both men appeared to be without credibility.

The Justice Department, despite its findings in the Watson and Andrews matters, nevertheless is looking into a third such assertion involving a group of visitors to an Atlanta jail who purportedly were overheard, six months before the assassination, attempting to solicit the help of inmates in arranging for King's murder.

While Justice officials see Ray's refusal to talk as the most significant indication of the absence of any conspiracy that conclusion is reinforced by his story to defense lawyers that he was "set up" to take the blame for the killings by a mysterious French Canadian named Raoul.

Ray's story has changed over the years, and parts of it are demonstrably untrue, but its essence is that he first encountered the man in a Montreal bar a few months after his escape from the Missouri prison at Jefferson City on April 23, 1967.

He spent most of the year between his escape and the King assassination, Ray says, working for Raoul, whom the Canadian authorities have never found and whom patrons at the Neptune Bar, where Ray says the two men conducted their initial business, do not remember, just as they do not remember Ray.

It was Raoul, Ray has said, who induced him to purchase a .30-06 rifle at a Birmingham sporting goods shop and carry it to Memphis in his white Mus-

tang, also financed by Raoul. The weapon, Ray says, was to be shown to prospective customers in an arms sale.

Ray told his first lawyer, Arthur Hanes Sr., the former Birmingham mayor, that he was instructed by Raoul on the afternoon of April 4, 1968, to check into the rooming house opposite the Lorraine Motel. He said he was eventually joined by the Canadian, who asked him to leave the rifle and wait in a downstairs bar.

Hanes recalled in a recent telephone conversation that Ray had said he had done as he was asked, but, growing restive, had stepped out of the bar in time to see Raoul running down the stairs to the street, where he dropped the rifle and Ray's other belongings and climbed into the Mustang.

Ray, who insists that he had no knowledge of King's murder until he heard about it on a car radio sometime later, said he drove off with Raoul in the back seat, hidden by a bedsheet. After four blocks, Ray said, Raoul jumped out of the car and vanished and Ray continued on to Mississippi.

Ray is reported to have since changed his story, maintaining without elabora-

tion that he was some distance from the rooming house when the fatal shot struck King, but the discrepancies between elements of either version and the facts cast doubt on the story in its entirety.

For one thing, none of the patrons gathered that afternoon in Jim's Grill, a bar on the ground floor of the rooming house, was able to recall for FBI agents having seen a man resembling Ray.

For another, Ray's contention that Raoul had joined him in Room 5B, which, as "John Willard," he had rented a half-hour earlier, is called into question by the failure of anyone, including Mrs. Frank Brewer, the rooming house manager, to recall having been asked for the room in which "Mr. Willard" was registered.

Apart from the doubtful story about Raoul, no independent evidence of Ray's involvement in a conspiracy has turned up in seven years, and the record of his movements before and after King's killing includes his securing for himself such things as the rifle and a bogus Canadian passport, which would more logically have been provided by coconspirators.

Still, the suspicion of a conspiracy persists in the minds of many, from Harold Weisberg, the former Maryland chicken farmer who has styled himself an "independent investigator" of several recent assassinations, to the former high-ranking Justice Department official who recently reflected on the evidence and decided that Ray was "probably not a solo."

Although there is some basis for such suspicions, they have been found in large part on misinformation and confusion over erroneous "facts" picked up after the King killing and passed on over the years, gaining a kind of credence through repetition.

A principal example is the widely held

belief that the federal government uncovered some early evidence of a conspiracy that it subsequently suppressed. That belief was prompted by the warrant, obtained by the Justice Department for Ray's arrest three weeks after the King assassination, which charged that he had conspired in the killing with a man "whom he alleged to be his brother."

Since ordinary murder is not a federal crime, the Justice Department was able to claim jurisdiction in the case only by alleging the existence of a conspiracy to violate King's civil rights, and the warrant charging Ray with that offense was obtained on the strength of his statement to the Birmingham sporting goods clerk that he was purchasing a rifle for a hunting trip with his "brother." Thus the "conspiracy" mentioned in the warrant.

Much speculation also has centered on how Ray obtained the five military cartridges found in the bundle dropped outside the Memphis rooming house, with

the implication that he might have been aided by someone with government connections. But according to the 1972 edition of *Cartridges of the World*, by Frank C. Barnes, a large quantity of surplus military .30-06 cartridges of the type found in the bundle had by 1968, been commercially available in this country for some years.

While there is no conclusive proof that Ray killed King — no one reports having seen him or anyone else fire the fatal shot — a rifle of the type used in the assassination was found shortly afterward outside the rooming house, and Ray's fingerprints were on it.

He had indisputably purchased the rifle and, three hours before the murder, rented a room in the house. Immediately after the shooting, he fled from Memphis to Canada, England, Portugal and back to England before he was captured.

There remain, however, some perplexing questions about the Ray case that make many of those familiar with its details reluctant to conclude that Ray was a lone assassin.

As one former Justice Department lawyer who worked on the case remarked, "The other assassinations made sense in a kind of mad way — the James Earl Ray thing never made any sense."

Foremost among the mysteries are Ray's motives for suddenly leaving a girl friend and offers of a bartending job in Los Angeles in March 1968 to drive across the country to kill King.

The Justice Department is addressing this question, but the evidence it has assembled is contradictory. There are some indications that Ray was a virulent racist with a particular antagonism toward King, and other signs that he was a nonviolent man who neither liked nor detested blacks and had no particular feeling about King.

The FBI, one former official said, did not address the question of motive, nor was it "particularly" puzzled at the time

about the oddities of the case. One of these was the discovery that Ray's rifle, when abandoned, contained only one empty cartridge in the chamber and none in the four-round clip. That would suggest that the assassination had been a one-shot, all-or-nothing proposition, risky at best for an experienced rifleman, much more so for Ray, whose skill at shooting was evidenced only by an Army marksmanship medal.

Nor is there a convincing explanation why Ray — if the killer was Ray — dropped the rifle and his other belongings on the street in full view in front of the rooming house, rather than secreting them upstairs or tossing them out a window.

The FBI concluded that dropping the rifle on the street, where it was found by a Memphis policeman within seven minutes, was simply typical of Ray's career as a bungler. He had previously been arrested after having fallen out of a getaway car onto the street, having run headlong into a blind alley and having dropped his bankbook, complete with name and address, at the scene of a crime.

Other anomalies abound. The details of Ray's escape from the Missouri penitentiary are unclear. And no one can explain why the "wanted" flyer issued routinely after his absence was discovered contained examples of fingerprints that were not his.

Nor is there a convincing explanation of how Ray, after making his way by bus from Atlanta to Toronto, secured the aliases Paul Bridgman and Ramon George Sneyd. They were residents of the Toronto area who bore a resemblance to Ray, who was carrying a Canadian passport in Sneyd's name when he was arrested at London's Heatherow Airport on June 8, 1968.

There are similar questions, each in itself perhaps explicable as the result of luck or happenstance, but together the substance of a deeper mystery.

For example, why did Ray exchange, after one day, the first gun he purchased from the Birmingham gun shop, obtaining a more powerful and expensive

weapon, when the first would have served his purpose equally well?

A larger question is how Ray, a stranger to Memphis, who had arrived there less than 24 hours before King was killed, was able to learn that the black leader was staying at the Lorraine Motel.

Although it has been widely reported that the Memphis newspapers of April 4 carried articles to that effect, and even photographs of him standing on the balcony outside his room, no such articles or photographs appeared until April 5, the day after King was shot.

But the central question—the one on which the theory of any conspiracy turns and for which the FBI candidly admits it has no answer — is where Ray obtained the thousands of dollars he used to finance his travels through at least five countries, his \$2,000 Mustang, his \$500 rifle and his habit of spending long hours in bars.

One Justice Department official said recently, "We simply don't know how he got his money." But he noted that Ray's robbery of a London savings bank four days before his arrest seemed to be an indication that he was not being supplied with funds by other conspirators.

The FBI investigated again all unsolved bank robberies at the time of King's murder but was not able to link Ray to any of them. The bureau theorizes, but cannot prove, that he sustained himself with other small robberies in the United States.

There are many more unanswered questions, but the clues to their solution lie not in the FBI's files, but in the recesses of James Earl Ray's mind.

Unless Ray eventually decides to cooperate with the Justice Department and has some pertinent information to offer on the witness stand, his name appears destined to remain among the ranks of the other American assassins—Lee Harvey Oswald and Sirhan B. Sirhan among them—whose motives will become progressively clouded by death, silence or history.

As one former FBI agent put it with a shrug the other day, "There are still people who wonder about John Wilkes Booth."